

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J2 GLOBAL COMMUNICATIONS, INC.,

Plaintiff(s),

No. C 08-4254 PJH

v.

**JUDGMENT AND
PERMANENT INJUNCTION**

BLUE JAY INC., et al.,

Defendant(s).

The court having granted plaintiff's motion for default judgment as to defendant Neil Luxenberg, and all other defendants having been dismissed,
it is Ordered and Adjudged
that plaintiff shall recover from defendant Neil Luxenberg damages in the amount of \$42,000.00 and the costs of suit.

Additionally,

Defendant NEIL LUXENBERG is enjoined and restrained from engaging in, committing, or performing, directly or indirectly, by any means whatsoever, any of the following acts: using any telephone fax machine, computer, or other device to send, directly or indirectly, to a telephone fax machine belonging to j2 GLOBAL COMMUNICATIONS, INC., an advertisement of the commercial availability or quality of any property, goods, or services without the recipient's prior express invitation or permission of j2 GLOBAL COMMUNICATIONS, INC., in writing or otherwise.

Notwithstanding this provision, NEIL LUXENBERG may send to a telephone fax machine belonging to j2 GLOBAL COMMUNICATIONS, INC., a facsimile of the commercial availability or quality of any property, goods, or services if the following are

1 true:

2 (i) NEIL LUXENBERG has an established business relationship with j2 GLOBAL
3 COMMUNICATIONS, INC. or the j2 GLOBAL COMMUNICATIONS, INC. customer to
4 which he directs the facsimile advertisement; and

5 (ii) NEIL LUXENBERG obtains the number of the j2 GLOBAL
6 COMMUNICATIONS, INC. telephone fax machine through:

7 (a) the voluntary communication of such number, within the context of
8 such established business relationship, from j2 GLOBAL
9 COMMUNICATIONS, INC. or from the j2 GLOBAL
10 COMMUNICATIONS, INC. customer to which NEIL LUXENBERG
11 directs the facsimile, or from

12 (b) a directory, advertisement, or Internet site to which j2 GLOBAL
13 COMMUNICATIONS, INC., or the customer to which NEIL
14 LUXENBERG directs the facsimile, voluntarily agreed to make
15 available the facsimile number for public distribution.

16 IT IS SO ORDERED.

17 Dated: December 1, 2009



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19 PHYLLIS J. HAMILTON
20 United States District Judge
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